		10/16/23	Tiank & Garbutt
APPLICATION No. 1182	PERMIT NO. 5	59	LIGENSE No. 127
	NIA STATE W	ATER COM	MISSION 1
CALIF OR	ODER RIVARTE REC	15 3/13/29 ASS	GENNENT IC Farward , In
THIS IS TO CERTIFY, That	29 Magneti to Cha	Syme Colle	ornia has made proof
to the satisfaction of the STATE	WATER COMMISSION	N of California of	a right to the use of the waters of
Malida a Marada	, a. tributar	Varn 1	24 man
for the purpose of Generating State Water Commission; and that said of California, the rules and regulatio confirmed by order of the STATE W.	d right to the use of sa ons of the State Water	id waters has been p r Commission and	perfected in accordance with the laws
of said Commission, at San Francisco,			
that the priority of the right hereby co of water to which such right is entitl	ed and hereby confirme	ed, for the purposes	s aforesaid, is limited to the amount
actually beneficially used for said purp	poses, and shall not exc	eed Eighty-si	hundredths (0.86)
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A description of the lands or the			
At a power house in	=	=	
is to to ass			
or such time as the water actually appropria or which said water was appropriated, but the present which in substance shall include all of whom said permit or license may be issent with the after the expiration of twenty y after district, irrigation district, lighting district, or and property occupied and used under said aid license; and in the event that the said colitical subdivision of the state so desiring base price, said price shall be determined in thall appear to the state water commission at a transfer and property of the permit or license that the permit or license that the permit or license that case the said commission, after due notice the aring thereon, may revoke said permit or not with the terms of this act. The findings at said by a court of converted the trainities.	appropriation of water shall ted under such permits and to longer; and every su of the provisions of this used, shall take the same sears after the granting of strict, or any political sublicense and the works but state, city, city and county to purchase and the said such manner as is now or any time after a permit or literater to such useful or that after to such useful or benefas failed to observe any of the to the permittee, licensee, and declaration of said comment of the said comment of said comment of said comment of the said comment of said comment of the said comment of t	l be under the terms an licenses shall actually licenses shall actually licen permit or license section and likewise the subject to such condition a license, the state silt or constructed for it, municipal water distowner of said works a may hereafter be detercense is issued as in this put the water granted the permittee or license icial purpose, or that the terms and conditions or the heirs, successors or to be unappropriated mission shall be deeme water to be unappropriated mission shall be deeme	under said permit or license to the useful ce, or the heirs, successors, or assigns of saie e permittee or licensee, or the heirs, success in the permit or license as issued, then and it or assigns of such permittee or licensee, an and open to further appropriation in according to be prima facte correct until modified of set saids such finding or declaration must be
et aside by a court of competent jurisdiction; ommenced within thirty days after the servic very licensee or permittee under the provisio recedent that no value whatsoever in excess	g provided, that any action to e of notice of said revocation was of this act if he accepts of the actual amount paid to	or on said permittee or li such permit or license to the state therefor sha	set aside such initial of decreatation must be censee, his heirs, successors or assigns. An shall accept the same under the condition il at any time be assigned to or claimed to
or license granted or issued under ct, in respect to the regulation by any compe r licensee, his heirs, successors or assigns or ny valuation for purposes of sale to or purch	tent provisions of this act, tent public authority of the by the holder of any rights ase, whether through conder	or for any rights gran services or the price of granted or acquired un- nation proceedings or	the services to be rendered by any permitte der the provisions of this act, or in respect t otherwise, by the state or any city, city an
ounty, municipal water district, irrigation di ny permittee or licensee, or the possessor of ermit by municipalities for the use of water fo	strict, lighting district of a any rights granted, issued, or said municipalities or the	ny political subdivision or acquired under the pinhabitants thereof for	of the state, of the rights and property of provisions of this act. The application for domestic purposes shall be considered first i
ght, irrespective of whether they are first in ission to any municipality to appropriate we nd providing, further, that where permission to the providing of the providing of the provision of the providing of	time; provided, however, the vaters, shall not authorize to appropriate is granted by	at such application for he appropriation of any the state water commis	a permit or the granting thereafter of per water for other than municipal purposes sion to any municipality for any quantity of
ater in excess of the existing municipal neo mmission shall have the power to issue pe bove the quantity being applied from time to	eds therefor, that pending termits for the temporary are of time by such municipality	he application of the en opropriation of the exce : and providing, further	tire appropriation permitted, the state waters of such permitted appropriation over an r, that in lieu of the granting of such terms
ommenced within thirty days after the service very licensee or permittee under the provision recedent that no value whatsoever in excess my permit or license granted or issued under in the provision of the regulation by any competion, in respect to the regulation by any competions, and the purposes of sale to or purch ounty, municipal water district, irrigation differentially municipalities for the use of water fight, irrespective of whether they are first in dission to any municipality to appropriate with a providing, further, that where permission to attend the excess of the existing municipal network the quantity being applied from time to over the quantity being applied from time to over the country permits for appropriation, the state was object to the jurisdiction and control of the result of the the dissuance of such permission to appropriation, and provided, further, that when such the purpon making just compensation for the facoses, to the person, firm or corporation while on, if not agreed upon between the municipe	cilities for taking, conveying	and storing such addit	ional water rendered valueless for said pur
on, if not agreed upon between the municipal or determining the value of property taken by			WATER COMMISSION, affixed thi
WIIND			April , 19£1
	~~ ~~		TER COMMISSION.
	N.		Chas. H. Lee
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(Seal)		•	Executive Member
t by tribute f			

Application No. 950

PERMIT NO. 600

LICENSE No. 128

CALIFORNIA STATE WATER COMMISSION

	SIAIE WAI		551014
THIS IS TO CERTIFY, That		Head	
of Cedarville	, State of	California	ht to the was of the waters of
to the satisfaction of the STATE WATE	R COMMISSION of	Camornia of a rig	nt to the use of the waters of
Steamboat Creek	, a tributary of.	Middle Lake	in Surprise Valley,
for the purpose of Agricultural us			
State Water Commission; and that said right of California, the rules and regulations of confirmed by order of the STATE WATER	to the use of said wa the State Water Cor	ters has been perfect nmission and the te	ted in accordance with the laws erms of said permit, and duly
of said Commission, at San Francisco, in Vol-	ume, at page	, on the	day of;
that the priority of the right hereby confirmed of water to which such right is entitled and	hereby confirmed, for	r the purposes afor	esaid, is limited to the amount
actually beneficially used for said purposes, a its equivalent in case of roused from about March 1st	nd shall not exceed otation to about	Two (2.00) July 1st	cubic feet per second/to be
A description of the lands or the place v For the irrigation of 16			
acres in NET SET of sec.			
T. 41 N. R. 16 E. M.D.B.	• 1 <i>f</i>		
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<u>-</u>			
The right to the use of the water afore described.	esaid hereby confirme	d is restricted to th	e lands or place of use herein
This license is granted and said anpropri set forth in Section 20 of the Water Commis SEC. 20. All permits and licenses for the appropri for such time as the water actually appropriated unde for which said water was appropriated, but no lor therein which in substance shall include all of the to whom said permit or license may be issued, sha any time after the expiration of twenty years at water district, irrigation district, lighting district, or and property occupied and used under said license said license; and in the event that the said state, city political subdivision of the state so desiring to pure chase price, said price shall be determined in such me shall appear to the state water commission at any time or the heirs, successors, or assigns, of said permittee or beneficial purpose for which the permit or license has censed to put said water to seem or assigns of said commission, after due notice to the la hearing thereon, may revoke said permit or license a ance with the terms of this act. The findings and deed that case the said commission, after due notice to the la hearing thereon, may revoke said permit or license and an every licensee or permittee under the provisions of the procedent that no value whatsoever in excess of the act any permit or license granted or issued under the product, in respect to the regulation by any competent pub or licensee, his heirs, successors or assigns or by the hany valuation for purposes of sale to or purchase, whe county, muhicipal water district, irrigation district, if any permit by municipalities for the use of water for said mright, irrespective of whether they are first in time; providing, further, that where permission to appropriate waters, si and providing, further, that where permission to appropriate so of the issuance of such permission to appropriate, as a mitted: and provided, further, that when such municipal upon making just compensation for the facilities for the very license of such permission to appropriate, as a mitted: and provided, further, tha	ssion Act which is as ration of water shall be un resuch permits and license and every such per provisions of this section lil take the same subject ter the granting of a lir any political subdivision and the works built or ity, city and county, munhase and the said owner hanner as is now or may after a permit or license or licensee, has not put the such useful or beneficial per to observe any o' the tempermittee, licensee, or the and declare the water to be laration of said commission determined, that any action brough ce of said revocation on such action and the provisions of this act, or for lice authority of the service holder of any rights grant ther through condemnation shift of the service holder of any rights granted, issued, or action thus granted, issued, or action that granted, issued, or any position of the service holder of any rights grant ther through condemnation shifting district or any position of the state of the temporary appropriate is granted by the stefor, that pending the appriate is granted by the stefor, that pending the appriate is granted for the appriate is granted for the succession may authorize succommission of the State or taking, conveying and succession and facilities for the said person, firm or corrough eminent domain procession or the said person, firm or corrough eminent domain procession or succession.	follows: der the terms and conditions is shall actually be used rmit or license shall to and likewise the stater to such conditions as cense, the state or an a of the state shall ha constructed for the enjicipal water district, in of said works and properative or said works and properative or licensee, or the state or licensee, or the urpose, or that the perm is and conditions in the pheirs, successors or assign and conditions in the pheirs, successors or assign and conditions or the solution of the permit of licensee, permit or licensee, permit or licensee, is an any rights granted or so or the price of the seried or acquired under the provision and the properation of any water and condition of the properation of any water at the proportion of the entire apation of the excess of sproviding, further, that the municipality to become California for such period or such period and dittonal water granted under the proportion of the entire apation of the excess of sproviding, further, that the municipality to become California for such period por additional water granted additional water deedings.	tions of this act, and shall be effective for the useful and beneficial purpose clude the enumeration of conditions ment that any appropriator of water, therein expressed; provided, that aty city, city and county, municipal ve the right to purchase the works owment of the rights granted under rigation district, lighting district or perty can not agree upon said purin eminent domain proceedings. If it rovided that the permittee, or licensee, aid permit or license to the useful or en heirs, successors, or assigns of said ittee or licensee, or the heirs, successors or assigns of said ittee or licensee as issued, then and in most of such permittee or licensee, and en to further appropriation in according a such permit of declaration must be his heirs, successors or assigns. And accept the same under the conditionary time be assigned to or claimed for acquired under the provisions of this vices to be rendered by any permittee previsions of this act, or in respect to see, by the state or any city, city and state, of the rights and property of ms of this act. The application for a c purposes shall be considered first in int or the granting thereafter of perfor or ther than municipal purposes; any municipality for any quantity of propriation permitted, the state water under the granting of such temperated in the granting of such temperated appropriation permited in the manner provided by law and the manner provided by law in the m
			ER COMMISSION, affixed this
	28th	day of	April , 191 21 .
	er e	STATE WATER	
(Seal)		Ву	Chas. H. Lee
(Seal)		Ву	Chas. H. Lea

Jarbutt and Melodie Garbutt Hathaway, Trustees!

12/4/53 RECEIVED NOTICE OF ASSIGNMENT TO John E. & Pauline M.

Me Mollo. KEUS XII Leave in book.

STATE OF CALIFORNIA CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS

In the Matter of License 128 (Application 950)

PAM IVERSON AND LEE CONNER

ORDER CORRECTING
THE SOURCE, PURPOSE OF USE,
AMOUNT, POINT OF DIVERSION
PLACE OF USE AND AMENDING LICENSE

SOURCE:

Steamboat Canyon tributary to Middle Alkali Lake (a closed basin)

COUNTY:

Modoc

WHEREAS:

- 1. License 128 was as issued to Granville A. Headon on April 29, 1921 and subsequently assigned to Pam Iverson and Lee Conner. License 128 was recorded with the County Recorder of Modoc on December 7, 1925.
- A request to correct the source, purpose of use, amount, point of diversion and place of use, was filed with the State Water Resources Control Board (SWRCB) on January 15, 1999 and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on October 15, 1999 and no protests were received.
- 3. The SWRCB has determined that the request for corrections to the descriptions of the source, purpose of use, amount, point of diversion and place of use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT LICENSE 128 IS CORRECTED TO READ AS FOLLOWS:

1. The condition of the license regarding the description of the source be corrected to read:

Steamboat Canyon tributary to Middle Alkali (a closed basin)

2. The condition of the license regarding the description of the purpose of use be corrected to read:

Irrigation of Stockwatering uses

3. The condition of the license regarding the description of the point of diversion be corrected to read:

By California Coordinate System of 1927, Zone 1, North 768,650 feet and East 2,505,600 feet being within SE ¼ of SW¼ of Section 29, T41N, R16E, MDB&M.

4. The condition of the license regarding the description of the place of use be corrected to read:

Stockwatering use at a trough within SE¼ of NW¼ of section 9, T41N, R16E, MDB&M, and irrigation as follows:

23 acres within NW1/4 of NW1/4 of section 9, T41N, R16E,

24 acres within NE¼ of NW¼ of section 9, T41N, R16E,

17 acres within SW1/4 of NW1/4 of section 9, T41N, R16E,

40 acres within SE¼ of NW¼ of section 9, T41N, R16E,

40 acres within NE1/4 of SE1/4 of section 9, T41N, R16E,

35 acres within NW1/4 of SW1/4 of section 10, T41N, R16E. MDB&M

179 acres total as shown on map on file with the SWRCB.

5. The following condition be added to the license:

Upon a judicial determination that the place of use under this license or a portion thereof is entitled to the use of water by riparian right, the right so determined and the right acquired under this license shall not result in a combined right to the use of water in excess of that which could be claimed under the larger of the two rights.

Dated: , OCT 1 0 2000

STATE WATER RESOURCES CONTROL BOARD

for

Chief, Division of Water Rights



STATE OF CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 950

PERMIT 600

LICENSE 128

Page 1 of 3

THIS IS TO CERTIFY, That

Pam Iverson and Lee Conner P.O. Box 352 Cedarville, CA 96104

Have the right to use waters of **Steamboat Canyon** in **Modoc County** tributary to **Middle Alkali Lake** (a closed basin)

for the following purpose: irrigation and stockwatering

Amended License 128 supersedes the license originally issued on April 28. 1921 which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of Permit 600. The priority of this right dates from March 22, 1918. Proof of maximum beneficial use of water pursuant to Application 950 was made as of May 3, 1925 (the date of inspection).

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed two (2) cubic feet per second by direct diversion to be diverted from about March 1 to about July 1 of each year. The maximum amount diverted under this license shall not exceed 487 acre-feet per year.

The equivalent of such continuous flow allowance for any thirty-day period maybe diverted in a shorter time if there is no interference with other rights and instream beneficial uses and provided further that all terms or conditions protecting instream beneficial uses are observed.

Unless a change is approved by the SWRCB. water used under this license may be diverted. rediverted. stored and used only as specified below:

THE POINT OF DIVERSION IS LOCATED:

By California Coordinates of 1927, Zone 1. North 768.650 feet and East 2.505.600 feet, being within SE% of SW% of section 9. T41N, R16E, MDB&M.

PERMIT 600

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Stockwatering use at a trough within SE¼ of NW¼ of section 9, T41N, R16E, MDB&M, and irrigation as follows:

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23 acres within NW¼ of NW¼ of section 9. T41N, R16E, MDB&M.
24 acres within NE¼ of NW¼ of section 9. T41N, R16E, MDB&M,
17 acres within SW¼ of NW¼ of section 9. T41N, R16E, MDB&M.
40 acres within SE¼ of NW¼ of section 9. T41N, R16E, MDB&M,
40 acres within NE¼ of SE¼ of section 9. T41N, R16E, MDB&M,
35 acres within NW¼ of SW¼ of section 10. T41N, R16E, MDB&M,
179 acres as shown on map dated April 2000 on file with the SWRCB.
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Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: OCT 1 0 2000

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

STATE OF CALIFORNIA THE RESOURCES AGENCY STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS

ORDER

APPLICATION 950

ERMIT_____600

LICENSE__ 128

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS, License 128 was issued to Granville A. Head and was filed with the County Recorder of Modoc County on July 8, 1919, and

WHEREAS, said license was subsequently assigned to Modoc Preserve; and

WHEREAS, the State Water Resources Control Board has found that the request for change in place of use under said license for which petition was submitted on February 23, 1972, will not operate to the injury of any other legal user of water, and

WHEREAS, the Board has approved and allowed said change and has directed that an order be issued to describe said place of use in accordance with said petition;

NOW, THEREFORE, IT IS ORDERED that permission is here granted to change the place of use under said License 128 to a place of use described as follows:

64 ACRES WITHIN SE OF NW OF SECTION 9, T41N, R16E, MDB&M 64 ACRES WITHIN NE OF OF NW OF SECTION 9, T41N, R16E, MDB&M 64 ACRES WITHIN NW OF NE OF SECTION 9, T41N, R16E, MDB&M 64 ACRES WITHIN SW OF NE OF SECTION 9, T41N, R16E, MDB&M 77 ACRES WITHIN NE OF NE OF SECTION 10, R41N, R16E, MDB&M 333 ACRES. TOTAL

Dated: JAN 11 1973

K. L. Woodward, Chief Division of Water Rights

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WRCB 133 (12-67)

16293-957 11-67 2M

2128 12-28-38 RECEIVED NOTICE OF ASSEMMENT TO alleun E. Olean 2-4-38 RECEIVED NOTICE OF ASSIGNMENT TO John R. Carklen 6-23-62 - Lecever wine or Amonness to Mal Hansen - Okyellis Dane 3-13-72 Records charged to show moder PReserve 11-21-73 Marine chigal to Steambout 6 wife 1-26-77 asge to Bill Layaque
2-19-87 asga to James M. Martin & R. Micolas Haney 7/20/98 Asgd. to PAM IVERN & LEE CONNEX

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